

Attorney Docket No. TELNP0139US PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Timothy P. O'Hagan, et al.

Serial No.: 08/867,076

Filing Date: June 2, 1997

For: PORTABLE DATA COLLECTION NETWORK WITH
TELEPHONE AND VOICE MAIL CAPABILITY

Examiner: -----

Art Unit: 2202

**DECLARATION OF FACTS IN SUPPORT OF FILING ON BEHALF OF
OMITTED INVENTOR UNDER 37 CFR 1.47(a)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir or Madam:

1. I, the undersigned, hereby make this declaration as to facts which establish: (a) the diligent effort made to secure the execution of the Combined Declaration and Power of Attorney of the omitted inventor, Dr. Ynjiun P. Wang (the "CDPA"), for the above-identified application (the "Application"), before deposit thereof in the Patent and Trademark Office; and (b) Dr. Wang's refusal to execute the CDPA.

2. The Application is a continuation-in-part of Serial No. 08/493,480, filed June 21, 1995, for which Dr. Wang is a named inventor. The Application describes a portable data collection network with telephone and voice mail capability which implements voice communication aspects contributed by Dr. Wang.

3. By letter dated June 1997, I sent Dr. Wang, through his counsel, a copy of the Application along with the CDPA and associated documents. I requested that Ms. Koesel forward these materials to Dr. Wang for his review and execution. In response, I received Ms. Koesel's letter dated August 27, 1997, a copy of which is attached as Exhibit I. Ms. Koesel stated that she had forwarded the documents to Dr. Wang, but that he could not recall making any contribution to the subject matter of the Application. The CDPA was returned to me unexecuted.

4. By letter dated September 11, 1997, I sent Dr. Wang, through his attorney, evidence of Dr. Wang's contribution to the invention disclosed in the Application, and renewed my request that he execute the CDPA. Copies of this letter and its enclosures are attached as Exhibit II. In that letter, I stated that if I did not receive Dr. Wang's executed CDPA by October 3, 1997, I would consider it a refusal by him to execute that document. In response, I received Ms. Koesel's letter dated September 12, 1997, a copy of which is attached as Exhibit III. In her September 12, 1997, letter, Ms. Koesel stated that Dr. Wang now refused to review the Application or execute the CDPA unless he was reimbursed for his time and legal fees.

5. On September 23, 1997, I sent yet another letter to Dr. Wang's attorney, Ms. Koesel, in an attempt to secure his review of the Application and execution of the CDPA. A copy of that letter is attached as Exhibit IV. In my September 23, 1997 letter, I reminded Dr. Wang that he had no right to his requested payments, and I again stated that if I did not receive his executed CDPA by October 3, 1997, I would consider it a refusal by him to execute that document. In response, I received Ms. Koesel's letter dated September 26, 1997, a copy of which is attached as Exhibit V, in which she stated that Dr. Wang continued to deny that he was an inventor in the Application.

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6. As of the date of this Declaration, I have not received Dr. Wang's executed CDPA in connection with the Application.

7. The last known address of Ynjiun P. Wang and the address of his attorney are:

Residence*

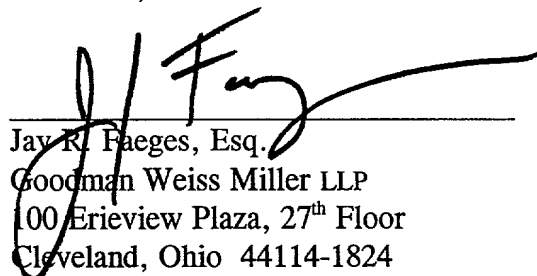
Ynjiun P. Wang
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Date:

12/22/97


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Cleveland, Ohio 44114-1824

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* Upon information and belief, Dr. Wang has relocated to California at an address known to his attorney.

Attorney Docket No. TELNP0139US

PATENT (US)

**COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT,
DIVISIONAL, CONTINUATION OR CIP APPLICATION)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PORTABLE DATA COLLECTION NETWORK WITH TELEPHONE AND VOICE MAIL CAPABILITY
the specification of which

(a) is attached hereto.(b) X was filed on June 2, 1997, Serial No. 08/867,076.(c) was described and claimed in PCT International Application No. filed on and amended under PCT Article 19 on (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. 119(e)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional applications listed below.

APPLICATION NO.	U.S. FILING DATE (day month, year)	STATUS (Patented, Pending, Abandoned)
<u> </u>	<u> </u>	<u> </u>
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CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120**DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120**

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

APPLICATION NO.	U.S. FILING DATE (day month, year)	STATUS (Patented, Pending, Abandoned)
<u>08/493,480</u>	<u>06/21/95</u>	<u> </u>
<u>08/332,592</u>	<u>10/31/94</u>	<u> </u>
<u>08/280,489</u>	<u>07/26/94</u>	<u> </u>

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Mark D. Saralino, Registration No. 34,243

Send Correspondence To:


Mark D. Saralino, Esq.
RENNER, OTTO, BOISSELLE & SKLAR, P.L.L.
1621 Euclid Avenue - 19th Floor
Cleveland, Ohio 44115

Direct Telephone Calls To:
(name and telephone number)

Mark D. Saralino
(216) 621-1113

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therein.

Full name of first inventor Timothy P. O'Hagan

Inventor's signature 

Date 12-23-97 Country of Citizenship USA

Residence 31 White Bark Place, The Woodlands, Texas, 77381

Post Office Address same as residence

Full name of second joint inventor Ynjiun P. Wang (omitted inventor - completed on added page)

Inventor's signature _____

Date _____ Country of Citizenship USA

Last Known Residence 5235-17 Red Cedar Drive, Fort Myers, Florida, 33907

Last Known Post Office Address same as residence

CHECK FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH
FORM A PART OF THIS DECLARATION

____ Signature for third and subsequent joint inventors. Number of pages added _____.

☒ Added page to combined declaration and power of attorney for signature by one joint inventor on behalf of omitted inventor(s) who refuses to sign or cannot be reached.

____ This declaration ends with this page.


**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY
FOR SIGNATURE BY JOINT INVENTOR ON BEHALF OF OMITTED INVENTOR
WHO REFUSES TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the omitted joint inventor who refuses to sign, particulars for whom are:

Full Name: Ynjiun P. Wang
Last Known Address: 5235-17 Red Cedar Drive
Fort Myers, Florida 33907
Citizenship: USA

Accompanying this declaration are:

- (1) A Petition Under 37 CFR 1.47(a).
- (2) A Declaration of Facts in Support of Filing on Behalf of Omitted Inventor
- (3) The Petition Fee of \$130.00 (37 CFR 1.17(h))



Timothy P. O'Hagan
31 White Bark Place
The Woodlands, TX 77381



Date